

REMARKS/ARGUMENTS

Introduction

Claims 12-24 are pending in the application. Claims 1-11 were previously cancelled. Claims 12, 16 and 21 are amended herein.

Applicants' Reply to the Examiner's Claim Objections

Claim 12 was objected to because of an informality. The applicants hereby correct the informality specified by the examiner in the amended claim 12, and request that the claim objection be withdrawn.

Applicants' Reply to the Rejections Under 35 U.S.C. § 112

Claims 12, 16 and 21 were rejected as being vague and indefinite because of the use of the word "substantially." The applicants disagree that use of such word renders the claim indefinite, as the law supports use of such relative terms in many circumstances. *See, e.g., Verve v. Crane Cams*, 311 F.3d 1116 (Fed. Cir. 2002), *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819 (Fed. Cir. 1988), and M.P.E.P § 2173.05(b). However, in the interest of advancing prosecution by eliminating issues of contention, the applicants hereby amend claims 12, 16 and 21 by deleting the word "substantially," and request that the claim rejection for indefiniteness be withdrawn.

Applicants' Reply to the Rejections Under 35 U.S.C. § 103(a)

Independent claims 12, 16, and 21 were rejected as being unpatentable pursuant to 35 U.S.C. § 103(a) over U.S. Patent No. 6,301,592 to Aoyama *et al.* ("Aoyama") in view of Microsoft Excel 2000 ("Excel 2000"). There are a number of differences between the methods and systems as described and claimed in the present application and those of Aoyama and Excel 2000, several of which are discussed herein. For at least the reasons set forth below, the applicants respectfully assert that the pending claims are patentable over the prior art of record and request

their allowance. In addition, the claims are amended herein to clarify that the first version as claimed is first in time to the current version of the application, which represents the intended scope of the claims as filed.

The examiner acknowledges that Aoyama fails to teach the claim element “wherein the view of the indication in the application program is substantially similar to the view of the indication in the application program at the date of the first version of the data store; and wherein the indication provides allows a user to retrieve at least a portion of the data object.” (Office Action, page 4, paragraph 1). However, the examiner then asserts that Microsoft Excel 2000 allows use of files with earlier versions of Excel, “wherein you can change the default file format that Excel 2000 uses when saving workbook.” (Office Action page 4, par. 2). In doing so, the examiner fails to appreciate the claim wording and further mischaracterizes the teachings of Excel 2000.

The claim language which the examiner admits is not taught by Aoyama provides that the view of the *indication* of the data object is similar to the view of the *indication* at the date of the first version, with the indication being something displayed by the application program which allows a user to retrieve all or a portion of a data object created by the application program. In applying Excel 2000 to the claim, the examiner is incorrectly focused on the Excel file itself rather than any indication of a data object (e.g., a file). That is, at most the Excel 2000 application program may allow a user to view data in an Excel file created using a prior version of Excel. However, Excel 2000 does not teach anything about how it displays an *indication* of that file or the data contained therein, and it certainly does not teach that the indication of the file be displayed in a view similar to that which was used to display the indication at the date the first version was created.

In contrast, the invention per claims 12, 16, 20 and 21 allows users to view indications of data objects using the same familiar interface in which the data objects were

created. Users need not learn to use new versions of application programs or altogether new application programs to view data previously created in a different or earlier version of a current application program. For example, a user can select a “view as of” date and obtain a display of an email browser as of a selected date. *See, e.g., Application*, pages 12-13.

Moreover, the Excel 2000 reference is only discussing using an application program to read and save files in different file formats rather than how the data in such file is displayed. Thus, although Excel 2000 allows a user to view data from files created using earlier version of Excel, it displays such files according to the current format provided by Excel 2000, and not according to the prior version in which the Excel file was created. The Excel 2000 reference describes providing a view of files saved in Microsoft Excel 95/97 format in the *current existing format* of Microsoft Excel 2000. Microsoft Excel 2000 does not display the Microsoft 95/97 files in a view that is similar to a view of the Microsoft 95/97 files in a Microsoft 95/97 application. Thus, the workbook stored in a Microsoft Excel 95/97 file format can be viewed in Microsoft Excel 2000 in the *current version* of Microsoft Excel 2000 with all of the features and formatting unique to the current version of Microsoft Excel 2000 and therefore, the Microsoft Excel 95/97 files are not displayed in the version of Microsoft Excel 95/97 in which the file was created.

If anything, in discussing the need to convert file formats, Excel 2000 teaches away from use of a program to display indications in a similar view to that of the earlier version of the program in which it was created.

As a result, the alleged combination of Aoyama with Excel 2000 does not teach or suggest the invention as claimed in claims 12, 16, and 21. Reconsideration and reversal of the rejection of these claims under § 103 is respectfully requested.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over Aoyama, Excel 2000, U.S. Patent No. 6,553,410 to Kikinis *et al.*, U.S. Patent No. 5,544,345 to Carpenter *et al.* and U.S. Patent No. 6,546,545 to Honarvar *et al.* However, given that each of the dependent claims 13-15, 17-20, and 22-24 include elements of the independent claims 12, 16 and 21, Applicants submit that claims 13-15, 17-20, and 22-24 are not obvious in view of the cited art for at least the reason that each of the dependent claims 13-15, 17-20, and 22-24 incorporate all of the elements of the independent claims (claims 12, 16 and 21) from which each dependent claim depends.

Entry and favorable consideration of the present amendment is respectfully requested. No new matter has been added. Applicants believe that all claims as presently pending are patentable and reconsideration and a favorable action are respectfully requested. To expedite the prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues regarding this application.

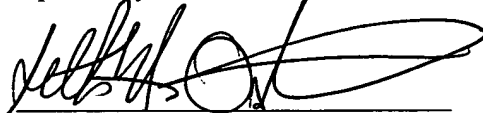
Dated: June 27, 2005

I hereby certify that the correspondence attached herewith is being transmitted by Certificate of First Class Mailing, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

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6/27/05
Date

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